

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law Department (Legal Advice)

Notification

LD/5/6/81-(D)

The following Act which was passed by the Legislative Assembly of Goa, Daman and Diu on the 29th day of July, 1981 and assented to by the Administrator on 24-8-1981, is hereby published for the general information of the public.

B. S. Subbanna, Under Secretary (Drafting).

Panaji, 31st August, 1981.

The Goa, Daman and Diu Excise Duty (Amendment) Act, 1981

(Act No. 9 of 1981)

AN ACT

furth^r to amend the Goa, Daman and Diu Excise Duty Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1981.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964) (hereinafter referred to as the 'principal Act'), for clause (kkk), the following shall be substituted, namely:—

“(kkk) “intoxicating drug” means—

(i) the leaves, small stalks and flowering on fruiting top, of the Indian hemp plant;

(ii) bhang, siddi or ganja;

(iii) charas, that is to say, the resin obtained from the Indian hemp plant, which has not been

submitted to any manipulation, other than those necessary for packing and transport; or

(iv) coca leaf, that is to say, the leaf of coca plant (which means the plant of any species of the genus *erythroxylon*), except a leaf from which all ecgonine, cocaine and any other ecgonine alkaloids have been removed;

(v) coca derivative, that is to say,—

(a) crude cocaine, that is, any extract of coca leaf which can be used, directly or indirectly, for the manufacture of cocaine;

(b) ecgonine, having the chemical formula $C_8H_{15}NO_3$ and all the derivatives of ecgonine from which it can be recovered;

(c) cocaine, that is methylester of benzoyl ecgonine having the chemical formula $C_{17}H_{21}NO_4$ and its salts; and

(d) all preparations containing more than 0.1 percent cocaine;

(vi) any mixture, with or without neutral materials, of any of the intoxicating drugs mentioned in above sub-clauses;”.

3. *Amendment of section 23.*— In section 23 of the principal Act,—

(i) the existing section 23 shall be re-numbered as sub-section (1) thereof;

(ii) after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Any Police Officer, not below such rank as may be prescribed, may also exercise the powers conferred on the Commissioner or an Excise Officer under sub-section (1) in respect of intoxicating drug or opium.”.

4. *Amendment of section 24.*— In section 24 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that any Police Officer, not below such rank as may be prescribed, may also investigate into an offence relating to intoxicating drug or opium committed within the limits of the area in which such Police Officer exercises jurisdiction.”.

5. *Amendment of section 27.*— In section 27 of the principal Act,—

(i) in the marginal heading, the words "of excise officer" shall be omitted;

(ii) in proviso to sub-section (1), after the words "no search" and before the word "shall", the words "except in case of an offence relating to intoxicating drug or opium", shall be inserted;

(iii) proviso to sub-section (2) shall be omitted;

(iv) after sub-section (2), the following sub-sections shall be inserted, namely: —

"(3) Any Police Officer, not below such rank as may be prescribed, may also exercise the powers conferred on an officer of the Excise Department under sub-sections (1) and (2), if he has reason to believe that an offence relating to intoxicating drug or opium has been, is being, or is likely to be committed in any place and that a search warrant cannot be obtained without affording the offender an opportunity of concealing evidence of the offence.

(4) Every person arrested under this section for an offence which is bailable shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance before a Magistrate or an Excise Officer."

6. *Amendment of section 30.*—In section 30 of the principal Act, in item (i) of clause (f), —

(i) before the word "imprisonment", add the word "rigorous";

(ii) for the word "three" the word "seven" shall be substituted.

7. *Amendment of section 33.*—In section 33 of the principal Act, after the word "shall" and the comma, and before the words "on conviction", the words "without prejudice to the provisions of section 30," shall be inserted.

8. *Amendment of section 34.*—In section 34 of the principal Act, in sub-section (1), for the words "Any Excise Officer", the words "Any Excise Officer or a Police Officer" shall be substituted.

9. *Amendment of section 36A.*—In section 36A of the principal Act, —

(i) in sub-section (1), at the end, the following words shall be added namely: —

"or by any Police Officer of such rank as may be prescribed where the offence relates to intoxicating drug or opium.";

(ii) in sub-section (4), at the end, the words "except that an offence relating to intoxicating drug or opium shall be non-bailable." shall be added.

U. D. SHARMA

Secretary to the Government
of Goa, Daman and Diu,
Law Department
(Legal Advice)

Secretariat,

Panaji,

Dated: 31st August, 1981.